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09/715,752	11/17/2000	Sanjay S. Gadkari	INTL-0478-US (P10026)	6968

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Timothy N. Trop  
TROP, PRUNER & HU, P.C.  
STE 100  
8554 KATY FWY  
HOUSTON, TX 77024-1805

EXAMINER
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ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PRG

# Office Action Summary

Application No.

09/715,752

Applicant(s)

GADKARI, SANJAY S.

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-13 and 15-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-13 and 15-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

**FINAL ACTION**

1. This action is responsive to communications: Amendment, filed on 03/15/2004. This action has been made final.
2. Claims 1-3, 5-13, 15-28 are presented for examination. In amendment A, filed on 03/15/2004:  
Claims 1, 5, 8, 11, 15, 21 are amended;  
Claims 4, 14 are canceled;  
Claims 26-28 are new.

***Claim Rejections - 35 USC § 112, second paragraph***

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms lack antecedent basis:
  - i. said device – claim 8.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 3, 5-7, 8, 11, 13, 15-17, 18, 21, 22, 25-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Cajole, US 6,192,388.

5. As per claim 1 and 11, Cajolet teaches a method comprising:  
assigning distributed computing tasks to said processor-based devices (Col. 2, lines 45-47); and  
logging the tasks and the processor-based device assigned to each task (Col. 9, line 63-Col. 10, line 6;  
Col. 10, lines 7-20, lines 40-49).
6. As per claims 3 and 13, Cajolet teaches the method of including subdividing a distributed  
computing job into tasks and assigning each of said tasks to a different device (Col. 2, lines 45-47).
7. As per claims 5 and 15, Cajolet teaches the method of including developing an estimate of the  
time to task completion (Col. 3, lines 4-11; Col. 10, lines 7-20; Col. 9, lines 5-14).
8. As per claims 6 and 16, Cajolet teaches the method of if no results are received after the passage  
of said time estimate, querying said device (Col. 10, lines 7-19).
9. As per claims 7 and 17, Cajolet teaches the method of automatically requesting said results after  
the passage of time estimate (Col. 10, lines 7-19).
10. As per claims 8 and 18, Cajolet teaches the method of including maintaining, from a  
server, the software on said devices (Col. 6, lines 54-60).
11. As per claim 21, Cajolet teaches a system comprising:  
a processor-based device (Col. 1, lines 7-12); and  
a storage coupled to said processor-based device storing instructions that, if executed, enable said  
device to operate a managed network of consumer-use processor-based clients (Col. 3, lines 40-41),  
assign distributed computing tasks to said processor-based clients (Col. 3, lines 17-21), and log each task  
and device assigned to complete said task (Col. 9, line 63-Col. 10, line 6; Col. 10, lines 7-20, lines 40-49).

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12. As per claim 22, Cajolet teaches the system of claim 21 wherein said system is a server (Col. 5, line 30).

13. As per claim 25, Cajolet teaches the system of claim 21 wherein said storage stores instructions that enable said processor-based device to divide a distributed computing job into a plurality of tasks (Col. 2, lines 45-47), assign said tasks to specific processor-based clients, and estimate the time to complete said job by said clients (Col. 3, lines 4-12).

14. As per claim 26, Cajolet teaches the system of claim 21 further storing instructions to develop an estimate of the time to task completion (Col. 9, lines 7-15; Col. 10, lines 7-19).

15. As per claim 27, Cajolet teaches the system of claim 21 further storing instructions that, if no results are received after the passage of said time estimate, querying said device (Col. 10, lines 7-19).

16. As per claim 28, Cajolet teaches the system of claim 26 further storing instructions to automatically request said results after the passage of said time estimate (Col. 10, lines 7-19).

*Claim Rejections - 35 USC § 103*

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. Claims 2, 9-10, 12, 19-20, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US 6,192,388 in view of Anand et al. (hereinafter Anand), US 5,832,496.

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19. As per claims 2, 12 and 24, Cajolet does not teach the method of including establishing a persistent connection between at least one of said devices and a server.

20. Anand teaches the method of including establishing a persistent connection between at least one of said devices and a server (Col. 12, line 5; Col. 13, lines 8-21).

21. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Cajolet and Anand because they both deals with distributed network systems. Furthermore, the teaching of Anand to allow the method of including establishing a persistent connection between at least one of said devices and a server would improve the efficiency and utilization for Cajolet's system by establishing a connection on an as per needed basis, as well as pipelining instructions during that connection.

22. As per claims 9 and 19, Cajolet does not teach the method of including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly.

23. Anand teaches the method of including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly (Col. 55, lines 7-8).

24. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Cajolet and Anand because they both deals with distributed network systems. Furthermore, the teaching of Anand to allow the method including receiving the results of said task from a device and providing an acknowledgement to said device when the results are received correctly would improve the efficiency and fault tolerance for Cajolet's system by giving the sending device an acknowledgement indicating the correct data have been received, without wasting additional bandwidth to resend data.

25. As per claim 10 and 20, Cajolet does not teach the method of including receiving a completion message from a device and automatically establishing an upload session to receive the task results.

26. Anand teaches the method of including receiving a completion message from a device and automatically establishing an upload session to receive the task results (Col. 54, lines 54 – Col. 55, line 17).

27. It would have been obvious to one of ordinary skill in this art at the time of invention was made to combine the teaching of Cajolet and Anand because they both deals with distributed network systems. Furthermore, the teaching of Anand to allow the method of including receiving a completion message from a device and automatically establishing an upload session to receive the task results would improve the efficiency and fault tolerance for Cajolet's system freeing up network resources by keeping a persistent connection only when needed, this reduces errors that can occur if a connection is left connected for too long.

28. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cajolet, US 6,192,388 in view of "Official Notice".

29. As per claim 23, Cajolet does not teach the system of claim 22 wherein said server is a system management server. However, "Official Notice" is taken by the examiner that a system management server is notoriously well known and expected in the art for the advantage of bring distributed services to clients and managing network.

#### *Conclusion*

30. Applicant's remarks filed 3/15/04 have been considered but are found not persuasive in view at the new grounds at rejection necessitated by Applicant's amendment.

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31. In the remark, the applicant argued in substance that Cajolet fails to disclose or suggest logging of tasks that are assigned, and no such task list is maintained.

In response to applicant's amendment, Cajolet does teach logging of tasks that are assigned and a task list is maintained.

Referring to Col. 10, lines 40-49, of Cajolet. When the completed task is returned to server by the end user units (assistants), they are then put through a decision block on the server side to determine if any portion of the assigned task remains unsolved, including portions of the task that were interrupted because the local operator has assumed control of an assisting computer. If so, a block 148 provides for assigning any uncompleted portions of the task to each successively available assisting computer. The above actions would require the server to keep track of the tasks that were assigned to the devices within a list/log on the server memory, which is suggested at location Col. 9, line 63 – Col. 10, line 6. If the server is not keeping track of tasks assigned as suggested by applicant, the server would have no record on status of tasks such as assignment, completion or interruption progress, and could not further assign the uncompleted tasks to other devices for further processing.

32. In the remark, the applicant argued in substance that Cajolet fails to teach anything about developing an estimate of the time to task completion.

In response to applicant's amendment, Cajolet does teach estimation of time to task completion.

Referring to Col. 9, lines 7-15; and Col. 10, lines 7-19, Cajolet clearly teaches the estimation towards a task completion by the end users, as well as the steps to taken by the server after the estimated time have expired.

33. In the remark, the applicant argued in substance that Cajolet does not teach querying said device if no results are received after the passage of a time estimate.

In response to applicant's amendment, Cajolet does teach querying said device if no results are received



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after the passage of a time estimate.

Referring to Col. 10, lines 7-19, Cajolet clearly teaches querying of end user devices if no results are received after the passage of a time estimate.

34. In the remark, the applicant argued in substance that Cajolet does not teach automatically querying said device if no results are received after the passage of a time estimate.

In response to applicant's amendment, Cajolet does teach automatically querying said device if no results are received after the passage of a time estimate.

Referring to Col. 10, lines 7-19, Cajolet clearly teaches automatically querying of end user devices if no results are received after the passage of a time estimate.

**THIS ACTION IS MADE FINAL.** Applicant is reined of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ  
April 2, 2004



JOHN FOLLANSBEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100